

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 EA-07 IO-10 ISO-00 FEA-01 AGR-05 CEA-01

CIAE-00 COME-00 DODE-00 FRB-03 H-02 INR-07 INT-05

L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15

STR-04 TAR-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01

AF-06 ARA-06 NEA-10 OIC-02 /134 W
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P R 070830Z JAN 76

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 7440

INFO AMEMBASSY OTTAWA

AMEMBASSY TOKYO

USMISSIONEC BRUSSELS

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E.O. 11652: NA

TAGS: ETRD GATT

SUBJ: ARTICLE XXVIII:5 RESERVATIONS

REF: STATE 907

1. MISSION HAS CONSULTED WITH CANADIAN, JAPANESE AND EC REPS PER INSTRUCTIONS REFTEL ON THEIR WILLINGNESS WITHDRAW ARTICLE XXVIII:5 RESERVATIONS AND REASONS FOR INVOKING ARTICLE. EC EXPLAINED THAT ITS ACTION WAS PURELY DEFENSIVE AND IN RESPONSE TO THOSE TAKEN BY OTHERS. EC WILLING TO WITHDRAW ITS RESERVATION IF OTHERS ARE ALSO.

2. JAPANESE MISSION STATED THAT TOKYO'S DECISION TO INVOKE ARTICLE XXVIII:5 WAS LONGSTANDING ALTHOUGH JAPANESE GOVERNMENT HAD NO PARTICULAR PRODUCTS IN MIND AND NO PRESENT INTENTION TO MAKE USE OF RESERVATION. RESERVATION
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PROBABLY IS COMPROMISE SOLUTION TO PRESSURE FROM SOME

DOMESTIC JAPANESE MINISTRIES AND EFFORT LET EACH MINISTRY FEEL IT GOT WHAT IT WANTED. JAPANESE REP DOUBTS THAT HIS GOVERNMENT WILLING WITHDRAW RESERVATION OR GIVE PUBLIC EXPLANATION FOR ACTION.

3. CANADIANS REP STRESSED THAT THEIR NOTIFICATION LIMITED TO CERTAIN PRODUCTS. NOTIFICATION STATES THAT CANADA RESERVES RIGHT TO MODIFY TARIFF ON THOSE PRODUCTS THAT WERE OR ARE THE SUBJECT OF STUDIES BY THE CANADIAN TARIFF BOARD. THESE PRODUCTS ARE: PHOTOGRAPHIC EQUIPMENT, PLEASURE CRAFT, GLASS FIBER AND FILAMENT ELEMENTS, FRESH AND PROCESSED FRUITS AND VEGETABLES, YEAST AND VEGETABLE OIL PRODUCTS. BOARD'S REPORT ON PHOTOGRAPHIC EQUIPMENT HAS BEEN SUBMITTED TO GOVERNMENT AND OTHER REPORTS ARE TO BE SUBMITTED SOON. REP STATES CANADA HAD TO MAKE RESERVATION IN LIGHT OF POSSIBLE TARIFF BOARD RECOMMENDATIONS AND WOULD NOT BE ABLE TO WITHDRAW. CANADIAN REP NOTED THAT ALTHOUGH THEIR RESERVATION IS NOT TECHNICAL, IS IT LIMITED.

4. IN VIEW OF ABOVE SITUATION WE SEE LITTLE POSSIBILITY OF GETTING CANADA OR JAPAN TO WITHDRAW THEIR RESERVATION. IF WASHINGTON BELIEVES STRONGLY THAT FURTHER EFFORTS SHOULD BE MADE, APPROACHES WILL HAVE TO BE MADE IN TOKYO AND OTTAWA.

5. EC (LUYTEN) WHILE REGRETTING DEVELOPMENT DID NOT CONSIDER MATTER TOO SERIOUS, SINCE COUNTRIES WOULD HAVE TO "PAY DEARLY" IF THEY ACTUALLY ATTEMPTED RENEGOTIATIONS. JAPANESE ALSO NOTED THAT RENEGOTIATIONS EXPENSIVE AND NOT LIGHTLY ENTERED INTO. GATT SECRETARIAT PROCESSING JAPANESE, EC, CANADIAN AND US NOTIFICATIONS BUT DOES NOT EXPECT FIRST ONE TO BE READY BEFORE JAN 8. PLEASE ADVISE ASAP IF WASHINGTON WANTS TO MAKE FURTHER EFFORTS AND WANTS SECRETARIAT TO HOLD UP RELEASE OF NOTIFICATIONS. DALE

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